

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 04 2007

at 11 o'clock and 30 min. L M
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JOHN HARRIS PAER #1551-0
41 B Kepola Place
Honolulu, Hawaii 96817
Telephone: (808) 595-7179
Facsimile: (808) 595-3918
Email: paerj001@hawaii.rr.com

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JUDITH CLARK,

Plaintiff,

vs.

UNIVERSAL DEBT SOLUTIONS, INC.,

Defendant.

) CIVIL NO. 07-00183

) COMPLAINT; EXHIBITS "A";
) SUMMONS

ACK
LEK

COMPLAINT

COMES NOW Plaintiff, by and through her undersigned attorney and alleges as follows:

INTRODUCTION

1. This Complaint is filed and these proceedings are instituted under the "Fair Debt Collection Practices Act" 15 U.S.C. Section 1692, et seq., to recover actual and statutory damages, reasonable attorney's fees and costs of suit by reason of the Defendant's violations of that Act. Plaintiff seeks actual and statutory damages arising out of Defendant's misrepresentations and failure to make required disclosures in the collection of an alleged debt.

JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to 15 U.S.C.A. Section 1692k(d) and 28 U.S.C.A. Section 1337. The supplemental jurisdiction of this Court is invoked over Count II of the Complaint, which arises under Chapters 443B and 480 of the Hawaii Revised Statutes.

PARTIES

3. Plaintiff is a natural person and is a resident of the State of Hawaii.

4. Defendant is a corporation doing business in the State of Hawaii, and is subject to the jurisdiction of this Court. Defendant is a collection agency and debt collector.

FACTS

5. Within the year prior to the filing of this action, Defendant has been attempting on behalf of a third party to collect an alleged debt from Plaintiff.

6. On or about March 20, 2007, Defendant sent a collection letter to Plaintiff. A true and correct copy of that letter is attached hereto as Exhibits "A". Exhibit "A" is the first letter sent by Defendant to Plaintiff.

7. The underlying debt was incurred primarily for personal, family, or household purposes.

8. Defendant is not properly licensed and registered as a collection agency in Hawaii.

9. Defendant has made numerous improper telephone contacts to Plaintiff, even after she gave Defendant her attorney's name and telephone number.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

10. Plaintiff realleges and incorporates paragraphs 1 through 9 of this Complaint.

11. Defendant has violated the Fair Debt Collection Practices Act in the following ways:

(a) Defendant has used false, deceptive and misleading misrepresentations in connection with the collection of the above claim in violation of 15 U.S.C. §1692e.

(b) Defendant has used unfair means to collect and to attempt to collect the above claim in violation of 15 U.S.C. §1692f.

(c) Defendant has not sent to Plaintiff the proper notices and/or verifications required by the Act in violation of 15 U.S.C. §1692g.

(d) Defendant has violated 15 U.S.C. §1692c.

COUNT II - UNFAIR AND DECEPTIVE PRACTICES ACT

12. Plaintiff realleges and incorporates paragraphs 1 through 11 of this Complaint.

13. Defendant's actions as described above, and its violations of the Fair Debt Collection Practices Act and/or H.R.S.

Chapter 443B, constitute both unfair and deceptive acts and practices in violation of H.R.S. Chapter 480.

14. Defendant's actions in connection with the above-described collection effort were immoral, unethical, oppressive, unscrupulous, and substantially injurious to Plaintiff as a consumer, and were unfair and deceptive, in violation of H.R.S. Chapter 480.

15. Plaintiff has suffered injury to her property in an amount to be proved at trial, by reason of Defendant's violations.

WHEREFORE, Plaintiff prays that the Court:

AS TO COUNT I

1. Award Plaintiff her actual damages as will be proved.
2. Award Plaintiff statutory damages of \$1000.00.


AS TO COUNT II

3. Award Plaintiff damages in the amount of three times the injury to her property, but not less than \$1000.00.

AS TO ALL COUNTS

4. Award Plaintiff reasonable attorneys' fees and costs of Court.
5. Award Plaintiff such other and further relief as the Court deems appropriate.

DATED: Honolulu, Hawaii, April 4, 2007.



JOHN HARRIS PAER
Attorney for Plaintiff